

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**COMPREHENSIVE INDUSTRIAL DISABILITY  
MANAGEMENT, INC.,**

Plaintiff,

vs.

**EFFECTIVE HEALTH SYSTEMS, INC., *ET AL.*,**

Defendants.

Case No.: 15-cv-0071 YGR

**ORDER DENYING REQUESTS FOR EARLY  
SUMMARY JUDGMENT PRE-FILING  
CONFERENCE**

The Court has reviewed the Requests for Pre-Filing Conference submitted by Defendants Chopra Consulting, LLC and Arvinder Chopra [“the Chopra Defendants”] (Dkt. No.64) and Defendants Effective Health Systems, Inc. and James Schlueter [“the EHS Defendants”] (Dkt. No. 65), as well as the response filed by Plaintiff Comprehensive Industrial Disability Management, Inc. (Dkt. No. 66). Both requests appear to be premature given how little discovery has been completed to date.


The interests of judicial economy do not favor the filing of a summary judgment motion that will only need to be deferred or denied under Rule 56(d) because the opposing party has not had sufficient opportunity for discovery. *See* Fed. R. Civ. P. 56(d) (“[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.”) Further, this Court’s Standing Order In Civil Cases provides that “[o]nly one summary judgment motion may be filed per side, absent leave of court.” (Standing Order ¶ 9(b).)

Until sufficient discovery has been conducted to address the factual issues raised in plaintiff’s response, including, presumably, an exchange of expert reports, the current requests to file an early

summary judgment motion are **DENIED**. As previously indicated, the parties should focus discovery on key issues. Once completed, the Court is willing to entertain a revised request.

**IT IS SO ORDERED.**

Dated: July 29, 2015

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE